

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-22 and 26-34 are pending in the application, with claims 1, 6, 10, 16, 26, and 29-31 being the independent claims. Claims 1, 6, 10, 16, 26, and 29-31 are sought to be amended. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Entry of Amendments After Final

Applicant respectfully requests entry of the foregoing amendments. The foregoing amendments are believed to place the claims in condition for allowance, and at a minimum clearly advance prosecution by overcoming the applied references. The Examiner is invited to contact the undersigned should any further amendments be believed to better place the claims in condition for allowance.

Rejections under 35 U.S.C. § 103

Claims 1-5

The Examiner has maintained the rejection of claims 1-5 under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Patent No. 6,292,895 to Baltzley ("Baltzley") in view of U.S. Patent No. 5,923,754 to Angelo et al. ("Angelo"), U.S. Patent No. 6,603,857 to Batten-Carew et al. ("Batten-Carew"), and U.S. Patent No. 5,495,533 to Linehan et al. ("Linehan"). Applicant respectfully traverses this rejection.

Claims 1 recites, *inter alia*, “wherein the header includes the document key and access rules for the secured electronic file, ***the access rules configured to further protect the document key and provide restrictive access to the data portion***, and wherein the header comprising the document key and the access rules was previously encrypted by the public key of the at least one of the cryptographic key pairs pertaining to the predetermined time.” Baltzley, Angelo, and Batten-Carew do not teach or suggest, nor does the Examiner rely on the aforementioned references to allegedly teach or suggest, these features of claim 1. Instead, the Examiner relies on Linehan.

As noted in the Amendment and Reply Under 37 C.F.R. § 1.111 filed on November 16, 2010, neither the “control key index number” nor the “access control list” of Linehan can be the “access rules” of claim 1, as they are needed by the Linehan system *prior* to decryption (and therefore would not be part of an encrypted header). The Examiner appears to agree with this position. Instead, the Examiner advances the position that the “message authentication check field” of Linehan can be construed as the “access rules” of claim 1. Applicant disagrees.

The “file encryption key” and the “message authentication check field” of Linehan are both described as being encrypted by the same “control key”. (Linehan, 8:57-65). Even though other portions of the header, such as the “control key index number” and the “access control list” of Linehan are exposed and unencrypted, the “message authentication check field” serves the function of denying access if the header has been tampered with. (Linehan, 9:42-58) (“The Personal Key Server then uses the control key to validate the message authentication check field; if it is invalid, the Personal Key Server rejects the access request.”).

The Examiner then notes that, as such rejection in Linehan would occur “prior to the decryption of the document key, it can be seen as message authentication code further protecting the document key.” (Office Action, p. 6). Although Applicant does not acquiesce to the understanding of Linehan that such operations happen in any particular order, claim 1 as amended further recites that the access rules are also configured to “*provide restrictive access to the data portion.*” Support for this amendment is found, *inter alia*, at paragraph [0065] of U.S. Patent Application Publication No. 2005/0071657 (“Published Specification”) (“The access rules 729 provide restrictive access to the encrypted data portion 724.”).

The “message authentication check field” of Linehan does not provide this dual purpose of being “configured to further protect the document key *and* provide restrictive access to the data portion,” as recited in claim 1. The function of providing restrictive access in Linehan is instead borne by the “access control list of users permitted to access the file” (Linehan, 8:61-62), which is not encrypted as noted above.

As a result, the combination of Baltzley, Angelo, Batten-Carew, and Linehan fails to teach or suggest at least, “the access rules configured to further protect the document key and provide restrictive access to the data portion,” as recited in claim 1. For at least the aforementioned reasons, claims 1, and its dependent claims 2-5, are not rendered obvious.

Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 1-5 under 35 U.S.C. § 103(a).

Claims 6-22 and 26-31

The Examiner has maintained the rejection of claims 6-22 and 26-31 under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Patent No. 6,892,306 to En-Seung et al. ("En-Seung") in view of Linehan and Batten-Carew. Applicant respectfully traverses this rejection.

Independent claims 6, 10, 16, 26, 29, 30, and 31 each recite, *inter alia*, similar features to those discussed above with regard to claim 1. For example, claims 6, 10, 16, 26, 29, 30, and 31 each recite, "the access rules providing restrictive access to the data portion." Claims 6, 10, 16, 26, 29, 30, and 31 are therefore allowable over the combination of Linehan and Batten-Carew for similar reasons as claim 1, and further in view of their own respective features.

En-Seung does not supply the missing teaching or suggestion, nor does the Examiner rely on En-Seung to allegedly supply the missing teaching or suggestion. Accordingly, claims 6, 10, 16, 26, 29, 30, and 31 are not rendered obvious by the combination of En-Seung, Linehan, and Batten-Carew. Claims 7-9, 11-15, 17-22, 27, and 28 each depend from one of the aforementioned independent claims, and are likewise not rendered obvious for at least the same reasons as the independent claim from which they depend, and further in view of their own respective features.

Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 6-22 and 26-31 under 35 U.S.C. § 103(a).

Claims 32-34

The Examiner has maintained the rejection of claims 32-34 under 35 U.S.C. § 103(a) as allegedly being obvious over En-Seung in view of Linehan and Batten-Carew,

further in view of U.S. Patent No. 6,851,050 to Singhal et al. ("Singhal"). Applicant respectfully traverses this rejection.

For at least the reasons discussed above, claims 6, 26, 29 are not rendered obvious by the combination of En-Seung, Linehan, and Batten-Carew. Singhal does not supply the missing teaching or suggestion, nor does the Examiner rely on Singhal to allegedly supply the missing teaching or suggestion. Accordingly, claims 6, 26, and 29 are not rendered obvious by the combination of En-Seung, Linehan, Batten-Carew, and Singhal. Claims 32-34 depend from claims 6, 26, and 29, and are likewise not rendered obvious by the combination of En-Seung, Linehan, Batten-Carew, and Singhal, further in view of their own respective features.

Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 32-34 under 35 U.S.C. § 103(a).

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Reply to Office Action of February 1, 2011

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Respectfully submitted,

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Date: 1 APRIL 2011

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